

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 JOSE A. MAGANA

Case No. 3:22-cv-00563-ART-CSD

4 Plaintiff

ORDER

5 v.

6 RENE BAKER, et al.,

7 Defendants

9 Pro se plaintiff Jose A. Magana brings this civil-rights action under 42 U.S.C.
10 § 1983 to redress constitutional violations that he claims to have suffered while he was
11 incarcerated at Lovelock Correctional Center. (ECF No. 1-1). And he applies to proceed
12 *in forma pauperis* in this action. (ECF Nos. 4, 6). According to the Nevada Department of
13 Corrections inmate database, Plaintiff has been paroled and is no longer incarcerated.
14 But Plaintiff has not filed his updated address with this Court. Nevada Local Rule of
15 Practice IA 3-1 provides that a “pro se party must immediately file with the court written
16 notification of any change of mailing address, email address, telephone number, or
17 facsimile number.” The failure to do so “may result in the dismissal of the action[,]” among
18 other sanctions. Nev. Loc. R. IA 3-1. Moreover, Plaintiff’s applications to proceed *in forma*
19 *pauperis* for an inmate are moot because Plaintiff is no longer incarcerated.

20 It is therefore ordered that Plaintiff has **until November 22, 2023**, to file his
21 updated address with the Court.

22 It is further ordered that Plaintiff’s applications to proceed *in forma pauperis* for an
23 inmate (ECF Nos. 4, 6) are denied as moot.

24 It is further ordered that Plaintiff has **until November 22, 2023**, to either file an
25 application to proceed *in forma pauperis* for a non-inmate or pay the full \$402 filing fee
26 for this action.

27 It is further ordered that if Plaintiff fails to timely comply with this order, this action
28 will be subject to dismissal without prejudice. Dismissal without prejudice allows the

1 Plaintiff to refile his case with the Court, under a new case number, when he can provide
2 his updated address and either pay the filing fee or apply for *in forma pauperis* status as
3 a non-inmate.

4 It is further ordered that the Clerk of the Court will send Plaintiff Jose A. Magana
5 the approved form application to proceed *in forma pauperis* for a non-inmate and the
6 document entitled information and instructions for filing an *in forma pauperis* application.

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8 DATED THIS 23rd day of October 2023.

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10 UNITED STATES MAGISTRATE JUDGE

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